

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Brian D. Zelickson, et al.
Serial No.: 10/633,820
Filed: August 4, 2003
For: DEVICE AND METHOD FOR
TREATMENT OF GASTROESOPHAGEAL
REFLUX DISEASE

) Group Art Unit: 3736
)) Confirmation No.: 7509
)) Examiner: Not Yet Assigned
))

PRELIMINARY AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
Alexandria, VA 22313-14500

Sir,

Transmitted herewith is a Preliminary Amendment (6 pages) for the above-identified application.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

By:

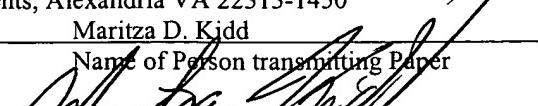

Scott S. Kokka
Reg. No. 51,893

Dated: October 12, 2004

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CERTIFICATE OF MAILING (37 C.F.R. §1.8)

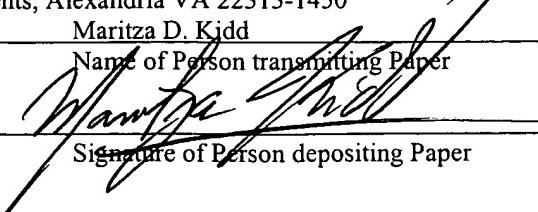
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the United States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria VA 22313-1450

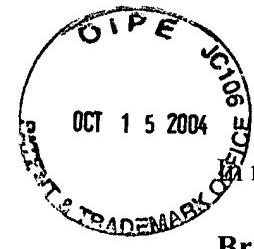

Maritza D. Kidd

Name of Person transmitting Paper

October 12, 2004

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Docket No. 2024580-7039313001
(04-0004 US04)

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PRELIMINARY AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination on the merits, please amend the above-referenced application in accordance with the following amendments.